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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
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10/669,567

09/25/2003

Arthur J. Kover

195-001

4010

7590

09/14/2011

Steven S Payne
6027 ILIFF Drive
Dunn Loring, VA 22027

EXAMINER

VAN BRAMER, JOHN W

ART UNIT

PAPER NUMBER

3622

MAIL DATE

DELIVERY MODE

09/14/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|-------------------------------------|--|
| Office Action Summary | Application No. 10/669,567 | Applicant(s) KOVER ET AL. | |
| | Examiner JOHN VAN BRAMER | Art Unit 3622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 17-28 is/are pending in the application.
- 5a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 17-28 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 21, 2010 has been entered.

Response to Amendment

2. The amendment filed on September 21, 2010 cancelled no claims. Claims 17, and 23 were amended and no new claims were added. Thus the currently pending claims addressed below are Claims 17-28.

Claim Rejections - 35 USC § 101

3. The amendment filed on September 21, 2010 has overcome the 35 U.S.C. 101 rejections of claims 17-22 detailed in the Office Action dated March 17, 2010. Thus the examiner hereby withdraws the rejection.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

Art Unit: 3622

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 17-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Lesandrini et al. (PGPUB US 2002/0042733 A1).

Claims 17 and 23: Lesandrini discloses a method and system for obtaining web-based advertising research data over a communications system, comprising the steps of:

- a. Displaying at least one advertisement with a plurality of features on a website.
(Fig. 9; Fig. 11, Paragraphs [0037], [0076] through [0100], [0104], [0224], [0387] through [0402], [0514], and [0518])
- b. Generating a request by a computer in the communications system requesting at least one user to react to the advertisement by pointing and clicking on at least one feature of the advertisement that is being displayed. (Fig. 9; Fig. 11, Paragraphs [0037], [0076] through [0100], [0104], [0224], [0387] through [0402], [0514], and [0518])
- c. Storing said point and click data in a storage device in the communication system, wherein the point and click data comprises at least one of location of at least one feature in the advertisement with a greater impact and location of first feature noticed in the advertisement. (Fig. 9; Fig. 11, Paragraphs [0037], [0076] through [0100], [0104], [0224], [0387] through [0402], [0514], and [0518])

- d. Generating at least one question by the computer and displaying at least one question to said at least one user based on said collected point and click data. (Fig. 9; Fig. 11, Paragraphs [0037], [0076] through [0100], [0104], [0224], [0387] through [0402], [0514], and [0518])
- e. Storing answers to said at least one question in the storage device. (Fig. 9; Fig. 11, Paragraphs [0037], [0076] through [0100], [0104], [0224], [0387] through [0402], [0514], and [0518])

Claims 18 and 24: Lesandrini discloses the method and system according to claims 17 and 23, wherein a feature is a word, phrase, object, person, animal, or scene depicted in the advertisement. (Fig. 9; Fig. 11; Paragraphs [0076] through [0100] and Paragraphs [0387] through [0402])

Claims 19 and 25: Lesandrini discloses the method and system according to claims 17 and 23, further comprising the step of: analyzing collected data. (Fig. 9; Fig. 11; Paragraphs [0076] through [0100]; Paragraphs [0343] through [0350]; and Paragraphs [0387] through [0402])

Claims 20 and 26: Lesandrini discloses the method and system according to claims 19 and 25, further comprising the step of: displaying locations of all point-and-click data collected for the advertisement. (Fig. 9; Fig. 11; Paragraphs [0076] through [0100]; Paragraphs [0343] through [0350]; and Paragraphs [0387] through [0402])

Claims 21 and 27: Lesandrini discloses the method and system according to claims 19 and 25, further comprising the steps of: displaying percentage of point-and-click data collected for various sections of the advertisement. (Fig. 9; Fig. 11; Paragraphs [0076] through [0100]; Paragraphs [0343] through [0350]; and Paragraphs [0387] through [0402])

Claims 22 and 28: Lesandrini discloses the method and system according to claims 19 and 25, further comprising the step of: transforming word responses into point-and-click data for display. (Fig. 9; Fig. 11; Paragraphs [0076] through [0100]; Paragraphs [0343] through [0350]; and Paragraphs [0387] through [0402])

Response to Arguments

6. Applicant's arguments filed September 21, 2010 have been fully considered but they are not persuasive. While the examiner agrees that the amendment overcomes the 35 U.S.C. 101 rejection of claims 17-28, the applicant has supplied to specific arguments as to why the amendment should be expected to overcome the 35 U.S.C 102 rejection based upon the prior art of Lesandrini. The examiner has reviewed the amendments and it appears that Lesandrini teaches the newly amended limitations. As such, the examiner has applied the same prior art to the newly amended limitations. Please refer to the cited sections in the rejection above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN VAN BRAMER whose telephone number is (571)272-8198. The examiner can normally be reached on 6am - 4pm Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Van Bramer/
John Van Bramer
Primary Examiner, Art Unit 3622

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